

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-6625**

---

STANLEY MARK BALLENGER,

Petitioner - Appellant,

versus

HENRY DARGAN MCMASTER, Attorney General of the  
State of South Carolina; ROBERT H. MAUNEY,  
Warden of the Northside Correctional  
Institution,

Respondents - Appellees.

---

Appeal from the United States District Court for the District of  
South Carolina, at Greenville. R. Bryan Harwell, District Judge.  
(CA-04-1438)

---

Submitted: October 20, 2005

Decided: October 27, 2005

---

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Stanley Mark Ballenger, Appellant Pro Se. Donald John Zelenka,  
Chief Deputy Attorney General, Samuel Creighton Waters, OFFICE OF  
THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina,  
for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Stanley Mark Ballenger, a state prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Ballenger has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED